



UNITED STATES PATENT AND TRADEMARK OFFICE

MN

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,969	04/03/2001	Yoshinori Tanabe	1506.1006 (JDH)	9676
21171 7590 07/10/2007 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER BASHORE, WILLIAM L	
			ART UNIT 2176	PAPER NUMBER
			MAIL DATE 07/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/823,969	Applicant(s) TANABE, YOSHINORI	
	Examiner William L. Bashore	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6,7 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,7 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: RCE/amendment filed 4/23/2007, to the original application filed 4/30/2001, with priority filing date of 9/21/2000.
2. Claims 1-2, 6-7, 9 pending. Claim 9 has been added by Applicant. Claims 1, 2, 6-7, 9 are independent.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/23/2007 has been entered.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Davis et al. (hereinafter Davis), U.S. Patent No. 5,937,160 filed 5/1/1997, issued 8/10/1999.

Art Unit: 2176

In regard to independent claim 9, Davis teaches an invention which creates/updates HTML documents via replacement of proprietary extended tags with data, said invention embodied on a medium (Davis Abstract, column 5 lines 25-33).

Davis teaches reading an HTML document containing a proprietary <RPM> type tag, said HTML document updated via the replacement of proprietary (i.e. extended) tags <RPM> (said tag type defining various processing, i.e. <RPMTD>, etc., with said tags themselves not intended to be viewed in a browser) with text data accordingly (Davis column 5 lines 1-7, column 10 lines 30-41, 64-66, column 11 lines 1-12, column 14 lines 65-67 to column 15 lines 1-44)

Davis teaches reading an HTML document containing a proprietary <RPM> type tag, said HTML document updated via the replacement of proprietary (i.e. extended) tags <RPM> (said tag type defining various processing, i.e. <RPMTD>, etc., with said tags themselves not intended to be viewed in a browser) with text data accordingly. It is noted that the above <RPM> tag acts as a placeholder to be replaced with data accordingly. The final HTML document is generated according to the <RPMTD> instruction (retrieve time and date), said time and date inserted into said document instead of maintaining the <RPMTD> tag (Davis column 5 lines 1-7, column 10 lines 30-41, 64-66, column 11 lines 1-12, 20-25, column 14 lines 65-67 to column 15 lines 1-44).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2176

7. **Claims 1, 2, 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (hereinafter Davis), U.S. Patent No. 5,937,160 filed 5/1/1997, issued 8/10/1999, in view of Ono et al. (hereinafter Ono), U.S. Patent No. 6,964,013 filed 5/30/2000, issued 11/8/2005.**

In regard to independent claim 1, Davis teaches an invention which creates/updates HTML documents via replacement of proprietary extended tags with data, said invention embodied on a medium (Davis Abstract, column 5 lines 25-33).

Davis teaches reading an HTML document containing a proprietary <RPM> type tag, said HTML document updated via the replacement of proprietary (i.e. extended) tags <RPM> (said tag type defining various processing, i.e. <RPMTD>, etc., with said tags themselves not intended to be viewed in a browser) with text data accordingly (Davis column 5 lines 1-7, column 10 lines 30-41, 64-66, column 11 lines 1-12, column 14 lines 65-67 to column 15 lines 1-44)

Davis teaches the addition of an additional HTML (start and end) tag pair (controlling text bold parameter - a character style) wrapped around an RPM type tag, said tag pair bolding the text replacing said RPM type tag (i.e. <RPMTD>) (Davis column 15 lines 20-29). It is noted that any type of text can lie between said pair, including pairs of lower element tags, etc (hierarchically based tags).

Davis does not specifically teach "deleting" said tag pair enclosing the above <RPMTD> tag. However, Ono teaches tag management means (i.e. managing document areas) for managing the deletion of an HTML tag pair (along with enclosed data) (i.e. a start and end tag) (Ono column 1 lines 63-67, column 7 lines 13-21). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Ono's deletion management to Davis's tag pairs, providing Davis the benefit of flexible document editing via management of nesting or overlapping of <RPMTD> tag data via deletion (see Ono column 2 lines 5-12).

Davis teaches storage/presentation of a final HTML web page to a client via browser subsequent to updating (Davis Abstract, at bottom, also column 16 lines 61-67).

Art Unit: 2176

Davis teaches reading an HTML document containing a proprietary <RPM> type tag, said HTML document updated via the replacement of proprietary (i.e. extended) tags <RPM> (said tag type defining various processing, i.e. <RPMTD>, etc., with said tags themselves not intended to be viewed in a browser) with text data accordingly. It is noted that the above <RPM> tag acts as a placeholder to be replaced with data accordingly. The final HTML document is generated according to the <RPMTD> instruction (retrieve time and date), said time and date inserted into said document instead of maintaining the <RPMTD> tag (Davis column 5 lines 1-7, column 10 lines 30-41, 64-66, column 11 lines 1-12, 20-25, column 14 lines 65-67 to column 15 lines 1-44).

In regard to independent claim 2, claim 2 incorporates substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Davis does not specifically teach an RPM type tag as an extended tag “pair”. However, since it is well known in the hypertext related arts that tags are generally defined in pairs, and that Davis teaches that a tag can be defined as “any unique set of keyboard symbols used to designate the location and control the placement of incoming page revisions and also to cause specific tasks to be executed.” (Davis column 15 lines 27-33), it would have been obvious to one of ordinary skill in the art at the time of the invention to interpret an RPM tag as a tag pair, providing Davis the benefit of nesting tag pairs around other data accordingly (compare with claim 2 “...and said arbitrary text is enclosed by a predetermined identification extended tag pair”).

In regard to independent claim 6, claim 6 reflects the methods comprising computer readable instructions used for implementing the medium based program as claimed in claim 1, and is rejected along the same rationale.

Art Unit: 2176

In regard to independent claim 7, claim 7 reflects the apparatus comprising computer readable instructions used for implementing the medium based program as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Davis discloses a computer (Davis Figure 1 items 10, 20).

Response to Arguments

8. Applicant's arguments filed 4/23/2007 have been fully and carefully considered but they are not persuasive.

Applicant argues on page 5 of the amendment that Ono merely teaches deletion of a tag and the deletion of the document area assigned a tag. It is respectfully submitted that Davis teaches reading an HTML document containing a proprietary <RPM> type tag, said HTML document updated via the replacement of proprietary (i.e. extended) tags <RPM> (said tag type defining various processing, i.e. <RPMTD>, etc., with said tags themselves not intended to be viewed in a browser) with text data accordingly. Ono is used to teach "deleting" a tag pair enclosing an <RPMTD> tag, as explained in the instant rejection. Ono teaches tag management means (i.e. managing document areas) for managing the deletion of an HTML tag pair (along with enclosed data), therefore Ono's deletions are applied to Davis so as to facilitate deletion of the above tags.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 9:00 am - 5:30 pm EST.

Art Unit: 2176

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on (571) 272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER

July 5, 2007